United Nations S/2010/333

Security Council

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The Security Council,

Taking note of the letter to the President of the Council from the Secretary-General dated xx June 2010 (S/2010/xx) attaching a letter from the President of the International Criminal Tribunal for Rwanda ("the International Tribunal") dated 25 May 2010,

Recalling its resolutions 955 (1994) of 8 November 1994, 1165 (1998) of 30 April 1998, 1329 (2000) of 30 November 2000, 1411 (2002) of 17 May 2002, 1431 (2002) of 14 August 2002, 1717 (2006) of 13 October 2006, 1824 (2008) of 18 July 2008, 1855 (2008) of 19 December 2008, 1878 (2009) of 7 July 2009 and 1901 (2009) of 16 December 2009,

Recalling in particular its resolutions 1503 (2003) of 28 August 2003 and 1534 (2004) of 26 March 2004, in which the Security Council called on the International Tribunal to take all possible measures to complete investigations by the end of 2004, to complete all trial activities at first instance by the end of 2008, and to complete all work in 2010,

Taking note of the assessments by the International Tribunal in its Completion Strategy Report (S/2010/259) that the International Tribunal will not be in a position to complete all its work in 2010, and of the obstacles faced by the International Tribunal, and *expressing* its concern in this regard,

Noting the concerns expressed by the President of the International Tribunal about the loss of experienced staff, and *affirming* that staff retention is essential for the timely completion of the International Tribunal's work,

Recalling that in resolution 1901 (2009) the Security Council underlined its intention to extend, by 30 June 2010, the terms of office of all trial judges at the International Tribunal based on the Tribunal's projected trial schedule and the terms of office of all appeals judges until 31 December 2012, or until the completion of the cases to which they are assigned if sooner, and requested the President of the International Tribunal to submit to the Council an updated trial and appeals schedule, including information on the judges whose extension of the terms of office or redeployment to the Appeals Chamber will be sought,

Recalling further that, pursuant to article 13, paragraph 3, of the Statute of the International Tribunal, as amended by resolution 1878 (2009), the term of office of

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each judge redeployed to the Appeals Chamber shall be the same as the term of office of the judges serving in the Appeals Chamber,

Noting that one permanent judge and two of the ad litem judges currently serving at the International Tribunal will leave before the end of 2010 upon the completion of their respective cases,

Taking note of the updated trial and appeals schedule submitted by the President of the International Tribunal,

Taking note of the submission by the President of the International Tribunal of a report of the Prosecutor on the lack of cooperation of Kenya in the case of Felicien Kabuga, as well as the statement and pledge to cooperate made by Kenya at a meeting of the Security Council on 18 June 2010,

Acting under Chapter VII of the Charter of the United Nations,

1. *Reaffirms* the necessity of trial of persons indicted by the International Tribunal and reiterates its call on all States, especially the States of the Great Lakes region, to intensify cooperation with and render all necessary assistance to the International Tribunal, and in particular *calls upon* relevant States to increase their efforts to bring Felicien Kabuga, Augustin Bizimana, Protais Mpiranya and other indictees of the International Tribunal to justice;

2. *Notes* the importance of the International Tribunal being adequately staffed to complete its work expeditiously and *calls upon* the Secretariat and other relevant United Nations bodies to continue to work with the Registrar of the International Tribunal in order to find practicable solutions to address this issue as the International Tribunal approaches the completion of its work, and at the same time *calls upon* the International Tribunal to renew its efforts to focus on its core functions;

3. *Decides* to extend the terms of office of the following permanent judges at the International Tribunal, who are members of the Appeals Chamber, until 31 December 2012 or until the completion of the cases to which they are assigned, if sooner:

Mehmet Güney (Turkey)
Andrésia Vaz (Senegal)

4. *Decides* to extend the term of office of the following permanent judges at the International Tribunal, who are members of the Trial Chamber, until 31 December 2011 or until the completion of the cases to which they are assigned, if sooner:

Charles Michael Dennis Byron (Saint Kitts and Nevis)
Khalida Rachid Khan (Pakistan)
Arlette Ramaroson (Madagascar)
William H. Sekule (United Republic of Tanzania)
Bakhtiyar Tuzmukhamedov (Russian Federation)

5. *Decides* to extend the term of office of the following ad litem judges at the International Tribunal, who are members of the Trial Chamber, until 31 December 2011 or until the completion of the cases to which they are assigned, if sooner:

Aydin Sefa Akay (Turkey)
Florence Rita Arrey (Cameroon)
Solomy Balungi Bossa (Uganda)

Vagn Joensen (Denmark)
Gberdao Gustave Kam (Burkina Faso)
Lee Gacugia Muthoga (Kenya)
Seon Ki Park (Republic of Korea)
Mparany Mamy Richard Rajohnson (Madagascar)
Emile Francis Short (Ghana)

6. *Decides* to amend article 12 ter of the Statute of the International Tribunal as set out in the annex to this resolution;

7. *Urges* the International Tribunal to complete its work expeditiously;

8. *Decides* to remain seized of the matter.

Annex

Article 12 ter: Election and Appointment of Ad litem Judges

3. If there are no ad litem judges remaining on the roster or if no ad litem judge on the roster is available for appointment, and if it is not possible to assign a judge currently serving at the International Tribunal, and all practical alternatives having been explored, the Secretary-General may, at the request of the President of the International Tribunal, appoint a former permanent or ad litem judge of the International Tribunal or of the International Tribunal for the former Yugoslavia, to serve as an ad litem judge in the Trial Chambers for one or more trials.